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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,481	03/28/2002	John R Ramun	2005-020399	9653

28289 7590 04/29/2005

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EXAMINER

SELF, SHELLEY M

ART UNIT PAPER NUMBER

3725

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/089,481

Applicant(s)

RAMUN, JOHN R

Examiner

Shelley Self

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-9,30,33,35-39,58-60,62,63,72,74 and 75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3,5-9,30,33,35-39,63,72,74 and 75 is/are allowed.
- 6) ☒ Claim(s) 58-60 and 62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 21, 2005 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claim 60 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what is meant by, "*offset between each of the connection of each linkage*". The parent claim 58, defines the connection to be a common pin, so it is not clear what the offset refers to. Clarification is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 58- 60 are rejected under 35 U.S.C. 102(b) as being anticipated by Tagawa (5,636,802). Tagawa discloses a demolition tool comprising: a universal body (fig. 1) adapted to be attached to demolition equipment: at least one movable blade (2,a, 2b, 7a, 7b) pivotally attached to the universal body (fig. 1, 3); a separate linkage (6) extending from each of the at least one movable blade (fig. 1) and wherein a length of each linkage is substantially equal to a length from a position where the linkage is connected to the blade to a pivot point of the blade about the universal body (fig. 1, 3); and wherein each linkage is connected to the hydraulic piston through a common pivot pin (18). Examiner notes the slide member/connecting rod (18) is connected to the hydraulic piston (5) at a pin (see fig. 3) and that each linkage is connected to the slide member/connecting rod (18), therefore the linkages are connected to the hydraulic piston at a common pivot pin via the connecting rod. Examiner notes a difference between a common connection pin of the linkages to the slide member/connecting rod (18) and a common pivot pin between the linkages and the hydraulic piston cylinder.

With regard to claim 59, Tagawa discloses a jaw depth of each blade is substantially equal to the length of each linkage (fig. 3).

With regard to claim 60 as best as can be understood, Tagawa discloses an offset between the connection of each linkage (6) to the piston and the axis of the piston. As noted above, the linkages (6) are connected to the piston via slide member/connecting rod (18). Additionally, the Examiner notes that the linkages are connected to the connecting rod at an offset (i.e. not on the same line) of the piston axis (fig. 3).

With regard to claim 62, Tagawa discloses the common pivot pin (fig. 3) is aligned with the axis of the piston. Examiner notes the connection point at which the piston (5) is connected to the linkages via the slide member/connecting rod (18) is aligned with the piston axis (fig. 3).

Allowable Subject Matter

Claims 1, 3, 5-9, 30, 33, 35-39, 63, 72, 74 and 75 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not disclose a pair of pivotal blades having a linkage associated with each blade and a common pivot pin connecting each linkage to a slide member or to a hydraulic piston in combination with the rest of the claimed limitations as set forth in claims 1, 30, 63 and 72.

The prior art Tagawa discloses a demolition tool/heavy duty shear comprising a universal body (fig. 1, 3), including a guide slot (fig. 3) a pair of pivot able blades (2a, 2b, 7a, 7b), at least one linkage (6) attached to each blade (fig. 3) a slide member (13) received within the guide slot (fig. 3), with each linkage attached to the slide member (18) via pins (8, 40); a piston cylinder arrangement (4) attached to the universal body (fig. 3) and coupled to the slide member for moving the slide member and the blades (fig. 3). Tagawa disclose the piston/cylinder arrangement (5) actuates the slide member/connecting rod (18) rollers (13) within the guide slot to pivot the linkages and blades (2,a, 2b, 7a, 7b) between open and closed positions. Tagawa does not disclose a common pivot pin connecting each linkage and instead teaches the connection between the blades and linkages to occur at spaced points (8, 40) along a connection

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rod (18). Therefore, Tagawa neither anticipates nor renders obvious the claimed invention as set forth in claims 1, 30, 63 and 72.


Neither the references of record nor any combination thereof discloses the claimed invention. Accordingly, claims 2, 30, 63 72 and their dependents are allowable over the prior art of record.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is (571) 272-4524. The examiner can normally be reached Mon-Fri from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIE or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SSelf 
April 21, 2005


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